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Attorneys for Defendant
Facebook, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SIX4THREE, LLC,

Plaintiff,

v.

FACEBOOK, INC., and MEDIA TEMPLE, INC.,

Defendants.

Case No. 4:16-cv-06716-PJH

**DECLARATION OF SUSAN KAWAGUCHI
IN SUPPORT OF DEFENDANT FACEBOOK,
INC.'S MOTION TO DISMISS**

Date: March 8, 2017

Time: 9:00 am

Ctrm: 3, 3rd Floor

Judge: Honorable Phyllis J. Hamilton

1 I, Susan Kawaguchi, declare as follows:

2 1. I am a Domain Name Manager at Facebook, Inc. I make this Declaration from personal
3 knowledge, and if called to testify, I could and would testify competently thereto.

4 2. More than six thousand domain names containing Facebook's trademarks are registered
5 by third parties each year. To protect its trademarks, Facebook works with a company, MarkMonitor,
6 that specializes in monitoring new domain name registrations.

7 3. I am informed and believe, as part of its protection effort on behalf of Facebook,
8 MarkMonitor sent a notice to the registrant of the site "facebookssappeconomy.com" (the "Site"), on
9 November 11, 2016, that the domain name contained the famous Facebook trademark. I was unaware
10 that MarkMonitor had sent this notice prior to Six4Three filing its Complaint in this case.

11 4. After Six4Three filed its Complaint on November 21, 2016, I alerted MarkMonitor to
12 cease any further enforcement action against the Site.

13 5. I am informed and believe, despite my instruction to cease any further enforcement
14 actions, that MarkMonitor sent an email to the service provider that hosted the Site, on December 2,
15 2016, stating that the domain name contained the famous Facebook trademark without authorization
16 from Facebook.

17 6. I was not aware that Media Temple was the service provider that hosted the Site until
18 Six4Three's counsel informed Facebook of that fact on December 21, 2016. Upon learning that Media
19 Temple had threatened to suspend the Site, I contacted them for the first time regarding this matter and
20 requested that they reinstate the Site and cease any other enforcement efforts.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is to
22 the best of my knowledge and belief true and correct.

23 Executed on January 17, 2017 in _____

St. Thomas

United States
Virgin Islands
Susan Kawaguchi

SUSAN KAWAGUCHI

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2017 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Laura E. Miller

LAURA E. MILLER